

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT  
NASHVILLE, TENNESSEE**

**May 18, 2004**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF TENNESSEE WASTEWATER</b>	)	<b>DOCKET NO.</b>
<b>SYSTEMS, INC. TO EXPAND ITS SERVICE AREA</b>	)	<b>04-00053</b>
<b>TO INCLUDE A PORTION OF HAMBLÉN COUNTY,</b>	)	
<b>TENNESSEE KNOW AS TURNER'S LANDING</b>	)	

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**ORDER APPROVING PETITION TO AMEND  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

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This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 22, 2004 to consider the Petition (the "Petition") of Tennessee Wastewater Systems, Inc. ("Tennessee Wastewater" or the "Company") to amend its Certificate of Public Convenience and Necessity ("CCN") to expand its service area to include Turner's Landing in Hamblen County, Tennessee.

**Legal Standard for Granting CCN**

No public utility is permitted to begin construction or operation of a new utility facility or service before obtaining the approval of the TRA. The procedure for obtaining such approval is outlined in Tenn. Code Ann. § 65-4-201(a), which reads in pertinent part as follows:

No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the

construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

### **Background**

On April 6, 1994, Tennessee Wastewater<sup>1</sup> received a CCN in Docket No. 93-09040 from the Tennessee Public Service Commission to provide wastewater service to the Oakwood Subdivision in Maury County. Since that time, through various other dockets, the Company has been granted approval to expand its service territory to include other areas in Tennessee.

### **Petition to Amend CCN**

On February 19, 2004, Tennessee Wastewater filed a Petition to amend its CCN to expand its service area to include Turner's Landing. A map showing the area to which the Company proposes to extend service is attached to its Petition. Tennessee Wastewater filed a rate schedule with its Petition in this docket which states that the commercial rates for Turner's Landing will be as follows:

Total monthly charge	\$35.11
Non-payment fee	5% of monthly charge
Disconnection fee	\$10
Reconnection fee	\$15
Returned check fee	\$20
Access fee	\$84/year

This rate schedule comports with the rate schedule approved by the TRA in Docket No. 99-00393.

In its Petition, Tennessee Wastewater contends that neither Hamblen County nor the City of Morristown have the desire to provide wastewater service to Turner's Landing. In support of this contention, Tennessee Wastewater submitted a letter dated December 10, 2003 from David

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<sup>1</sup> Tennessee Wastewater Systems, Inc was formerly known as On-Site Systems, Inc. This name change was effected by Order dated February 19, 2004 (Docket No 03-00518).

W. Purkey, Hamblen County Mayor, stating that Hamblen County has no plans to provide sewer service to Turner's Landing within the next twelve months. Tennessee Wastewater also submitted a March 26, 2003 letter from Jamie Carden, Civil Engineer for the City of Morristown, stating that the City does not plan to provide sewer services to the Turner's Landing area unless provided at the property owner/contractor's expense.

**March 22, 2004 Authority Conference**


The Directors of this voting panel considered the Petition of Tennessee Wastewater at the regularly scheduled Authority Conference held on March 22, 2004. During the Conference the panel voted unanimously to approve the Petition.

**IT IS THEREFORE ORDERED THAT:**

1. The Petition of Tennessee Wastewater Systems, Inc. to amend its Certificate of Public Convenience and Necessity to expand its service area to include Turner's Landing in Hamblen County, Tennessee, as shown in the map attached to the Petition, is approved.
2. Tennessee Wastewater's rates for wastewater service to Turner's Landing shall be as listed in the rate schedule filed with the Petition of Tennessee Wastewater Systems, Inc. and as set forth in this Order.

  
Deborah Taylor Tate, Chairman

  
Sara Kyle, Director

  
Ron Jones, Director